

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**

**INSTRUCTIONS FOR VACATION REQUEST**

1. Prior to submitting an application for a Vacation, a pre-application meeting with the Metropolitan Area Planning Department (MAPD) is advised to determine the public and private entities that have an interest in the proposed Vacation. MAPD staff typically does not recommend approval of a Vacation request if any of the entities with an interest oppose the Vacation.
2. The attached form must be completed before it can be presented to the Metropolitan Area Planning Commission. All spaces should be filled in or marked as "not applicable", i.e. (N.A.).
3. The completed form should be submitted to the Planning Department, City Hall – 10<sup>th</sup> Fl., 455 N. Main St., Wichita, KS 67202-1688.
4. Applications shall be accompanied by a certified ownership list prepared by an abstract company giving the names and addresses, with zip codes, of property owners as specified below, and must also be accompanied by the signatures of all abutting property owners or their authorized agent. MAILING ADDRESSES SUBMITTED WITHOUT ZIP CODES WILL BE RETURNED TO THE APPLICANT.

**Type of Vacation**

- a. Street or Alley Right-of-Way. All owners of property adjacent to a street or alley petitioned to be vacated. In the event a vacation would leave a deadend street or alley, all of the owners of property adjacent to the remaining segment of street or alley shall also receive written notice. If the Planning Director determines the vacation of the street or alley could have an effect upon traffic circulation in the vicinity, the Director may require that the owners of property within a radius of up to 2 blocks shall also be entitled to notice and, within the City of Wichita, set a hearing before the appropriate District Advisory Board through the same written notice.
- b. Access Controls. All lots or tracts involved, plus all lots and tracts on the same side of the street within the same block, plus all lots and tracts on the opposite side of the street from the property involved, and if involving areas greater than one block in length, then the owners of all lots and tracts in the next block. In the event of a partial block, the balance of the block shall be included for notification purposes.
- c. Building Setbacks. For a building setback along the front of a lot, the same procedure as for access controls. For a building setback along a side or rear lot line, the owners of property abutting thereupon.
- d. Drainage and/or Utility Easements. Owners of all lots or tracts on which the easement is located and owners of all lots or tracts which abut the easement to be vacated.
- e. Reserves. If the vacation is to permit the construction of building or structure on a reserve

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dedicated to open space, the same policy as for building setbacks. If for a vacation of an entire reserve, then all owners of property within the subdivision from which the reserve was first dedicated.

- f. Plat. Owners of all lots or parcels within the plat or tracts of land included within the area proposed to be vacated. Also, all owners of land abutting the plat to be vacated.
  - g. Exclusion of Land from City. Owners of all lots or parcels within the area proposed to be excluded from the city, as well as owners of all lots or parcels abutting said area.
  - h. Special Cases. In the event a petition for vacation involves some special dedication, such as pedestrian access or avigation rights, or any other dedication not specifically identified above, the notification area shall be determined by the Planning Director.
- 5. Applications for vacation must be accompanied by a filing fee in the amount of \$385.00 (make check payable to "City of Wichita"). Reprocessing of a vacation case must be accompanied by a filing fee in the amount of \$195.00.
  - 6. The applicant shall submit an accurate site plan. The site plan shall be drawn to scale and show the location of property lines and buildings, parking areas, driveways and other improvements or facilities which necessitate the Variance. One (1) 8.5" x 11" or 11" x 17" copy of the site plan shall be submitted. Other plans, drawings or information which the MAPD deems necessary to enable proper consideration of the request may be required.
  - 7. Applications for vacation must be accompanied by a vacation petition, sample forms of which are either attached or available in the Planning department office.
  - 8. The vacation request will be scheduled for public hearing by the Metropolitan Area Planning Commission. It will be scheduled for review and recommendation by the Subdivision Committee, usually one week prior to the Planning Commission hearing. A Planning Commission recommendation for approval will not be placed on the agenda for consideration by the appropriate governing body until such time as all requirements made by the Planning Commission have been met by the applicant. In the event the applicant disagrees with the recommendation or a condition made by the Planning Commission, the vacation request may be appealed to the appropriate governing body. No vacation request is final until acted upon by the appropriate governing body.

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**VACATION  
CHECKLIST OF REQUIRED APPLICATION MATERIALS**

- ☐ Application form
- ☐ Vacation petition
- ☐ Site plan
- ☐ Legal description of area to be vacated
- ☐ Certified ownership list
- ☐ Filing fee

**BEFORE THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA  
PLANNING COMMISSION**

<b>IN THE MATTER OF THE VACATION OF</b>	)	
	)	
	)	<b>MAPD CASE NO.</b>
<b>GENERALLY LOCATED</b>	)	<b>VAC</b>
	)	
	)	

**PETITION FOR VACATION**

COMES NOW your petitioner(s), \_\_\_\_\_, an d pray(s) for the  
vacation of the following described \_\_\_\_\_, to wit:

>

and in support thereof states and declares:

1. That the petitioner(s) is/are owner(s) of real property adjacent to and abutting the herein  
described \_\_\_\_\_.
2. That no private rights will be injured or endangered by the vacation of  
\_\_\_\_\_ described herein, and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s) hereof, the prayer(s) of the petitioner(s) for the vacation of  
\_\_\_\_\_ should be granted.

WHEREFORE, petitioner(s) pray(s) that this petition be set for hearing before the Wichita Sedgwick County Metropolitan Area Planning Commission, that notice of said hearing be given as provided by K.S.A. § 58-2613, et seq., as amended that at such time and place and at such hearing, the Wichita-Sedgwick County Metropolitan Area Planning Commission orders the vacation of the above described \_\_\_\_\_.

\_\_\_\_\_  
Petitioner(s) or  
Agent of Petitioner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner(s) or  
Agent of Petitioner(s)

\_\_\_\_\_  
Date

# APPLICATION

Case \_\_\_\_\_

This form MUST be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 N. Main St., Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application form and filing fee is required for each application. A preapplication conference with the planning staff is recommended before filing this application.

## SECTION I

This property is located within: ☐ Wichita ☐ Sedgwick County (unincorporated)

### Metropolitan Area Planning Commission:

- ☐ Zone Change: From zoning district: \_\_\_\_\_ to \_\_\_\_\_
- ☐ Planned Unit Development: ☐ Approval ☐ Amendment to PUD \_\_\_\_\_ ☐ Adjustment to PUD \_\_\_\_\_
- ☐ Community Unit Plan: ☐ Approval ☐ Amendment to CUP \_\_\_\_\_ ☐ Adjustment to CUP \_\_\_\_\_
- ☐ Protective Overlay: ☐ Approval ☐ Amendment to PO \_\_\_\_\_ ☐ Adjustment to PO \_\_\_\_\_
- ☐ Conditional Use: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_  
☐ Adjustment to CU/CON No. \_\_\_\_\_
- ☐ Vacation of: \_\_\_\_\_ zone district: \_\_\_\_\_  
(Use a separate sheet for legal description, if necessary.)
- ☐ Administrative Permit: To allow: \_\_\_\_\_ foot high wireless communication facility. zone district: \_\_\_\_\_
- ☐ Off-Site Billboard Sign within \_\_\_\_\_ feet of a residential lot/structure. zone district: \_\_\_\_\_

### Board of Zoning Appeals:

- ☐ Variance: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- ☐ Appeal of: \_\_\_\_\_ zone district: \_\_\_\_\_
- ☐ Zoning Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- ☐ Sign Code Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_

## SECTION II

1. The application area is legally described as Lot(s) \_\_\_\_\_ ; Block(s) \_\_\_\_\_ , \_\_\_\_\_ Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
2. The application area contains \_\_\_\_\_ acres.
3. This property is located at (address) \_\_\_\_\_ which is generally located at (relation to nearest streets) \_\_\_\_\_
4. We file this request for the following reasons: \_\_\_\_\_  
\_\_\_\_\_
5. County control number: \_\_\_\_\_

(Continued)

6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

B. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

_____ Applicant's Signature	By	_____ Authorized Agent (If Any)
_____ Applicant's Signature	By	_____ Authorized Agent (If Any)
_____ Applicant's Signature	By	_____ Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

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**FOR OFFICE USE ONLY**

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_  
Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_  
NA/HOA \_\_\_\_\_  
Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

**Required Documents:**

☐ Ownership List    ☐ BZA Justification    ☐ Legal Description    ☐ Vacation Petition    ☐ Site Plan    ☐ Signs